

2005

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
CLINICAL NURSE SPECIALIST PRACTICE ACT**

**NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM**



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## STATUTES PERTAINING TO CLINICAL NURSE SPECIALIST PRACTICE ACT

**71-17,117. Act, how cited.** Sections 71-17,117 to 71-17,130 shall be known and may be cited as the Clinical Nurse Specialist Practice Act.

Source: Laws 2005, LB 256, §1. Operative date July 1, 2007.

**71-17,118. Terms, defined.** For purposes of the Clinical Nurse Specialist Practice Act:

(1) Approved certifying body means a national certification organization which (a) is approved by the board, (b) certifies qualified licensed registered nurses for advanced practice, (c) has eligibility requirements related to education and practice, and (d) offers an examination in an area of practice which meets psychometric guidelines and tests approved by the board;

(2) Board means the Board of Advanced Practice Registered Nurses;

(3) Clinical nurse specialist means a registered nurse who meets the requirements of section 71-17,119 and who holds a certificate issued under the Clinical Nurse Specialist Practice Act; and

(4) Department means the Department of Health and Human Services Regulation and Licensure.

Source: Laws 2005, LB 256, §2. Operative date July 1, 2007.

**71-17,119. Certification; eligibility; application.** An applicant for certification as a clinical nurse specialist shall be licensed as a registered nurse under the Nurse Practice Act or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska and shall submit to the department the following:

(1) A completed application, including, but not limited to, the applicant's social security number and such other information as the department requires pursuant to rules and regulations, accompanied by the fee established pursuant to section 71-17,130;

(2) Evidence that the applicant holds a master's degree or a doctoral degree in a nursing clinical specialty area or has a master's degree in nursing and has successfully completed a graduate-level clinical nurse specialist education program; and

(3) Except as provided in section 71-17,121, evidence of passage of a board-approved examination issued by an approved certifying body or, when such examination is not available, an alternative method of competency assessment by any means permitted under section 71-17,124 and approved by the board.

Source: Laws 2005, LB 256, §3. Operative date July 1, 2007.

**71-17,120. Clinical nurse specialist practice, defined.** The practice of a clinical nurse specialist includes health promotion, health supervision, illness prevention, and disease management, including assessing patients, synthesizing and analyzing data, and applying advanced nursing practice. A clinical nurse specialist conducts and applies research, advocates, serves as an agent of change, engages in systems management, and assesses and intervenes in complex health care problems within the selected clinical specialty.

Source: Laws 2005, LB 256, §4. Operative date July 1, 2007.

**71-17,121. Certification; when; use of title.** (1) An applicant who meets the requirements for certification in section 71-17,119 shall be certified by the department as a clinical nurse specialist, except that a person practicing as a clinical nurse specialist pursuant to the Nurse Practice Act on July 1, 2007, who applies on or after such date and before September 1, 2007, shall be certified as a clinical nurse specialist under this section without complying with subdivision (3) of section 71-17,119.

(2) A person certified as a clinical nurse specialist has the right to use the title Clinical Nurse Specialist and the abbreviation CNS.

Source: Laws 2005, LB 256, §5. Operative date July 1, 2007.

**71-17,122. Application for certification; how treated.** If an applicant for initial certification as a clinical nurse specialist files an application for certification within one hundred eighty days prior to the biennial renewal date, the provisions of subsection (2) of section 71-162.04 apply.

Source: Laws 2005, LB 256, §6. Operative date July 1, 2007.

**71-17,123. Certificates; expiration; renewal.** All certificates issued under the Clinical Nurse Specialist Practice Act shall expire on October 31 of each even-numbered year. Biennial certificate renewals shall be accomplished as the department, with the concurrence of the board, establishes by rule and regulation.

Source: Laws 2005, LB 256, §7. Operative date July 1, 2007.

**71-17,124. Continuing competency requirements; waiver; when allowed.** (1) An applicant for renewal of a certificate issued under the Clinical Nurse Specialist Practice Act shall demonstrate continuing competency. Continuing competency may be demonstrated by methods which include, but are not limited to, continuing education, course work, continuing

practice, national certification or recertification offered by an approved certifying body, a reentry program, satisfactory peer review including patient outcomes, examination, or other continuing competency activities listed in section 71-161.09.

(2) The department, with the concurrence of the board, may waive any continuing competency requirement established under subsection (1) of this section for any two-year period for which a certificate holder submits documentation of circumstances justifying such a waiver. The department shall define such justifying circumstances in rules and regulations.

Source: Laws 2005, LB 256, §8. Operative date July 1, 2007.

**71-17,125. Disciplinary actions; grounds; procedure; appeal.** A certificate issued under the Clinical Nurse Specialist Practice Act may be denied, refused renewal, revoked, suspended, or disciplined in any other manner for any violation of the act, for physical or mental disability or incapacity, for gross incompetence, or for any reason for which a license issued under the Advanced Practice Registered Nurse Licensure Act or the Nurse Practice Act may be denied, refused renewal, revoked, suspended, or disciplined. The methods and procedures provided in the Nurse Practice Act for opportunity for hearing, notice of hearing, presentation of evidence, conduct of a hearing, reinstatement, and related matters shall apply to disciplinary actions under this section. A decision to deny, refuse renewal of, revoke, suspend, or discipline a certificate as a clinical nurse specialist may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 2005, LB 256, §9. Operative date July 1, 2007.

**71-17,126. Lapse of certificate; conditions; effect; restoration.** (1) A certificate issued under the Clinical Nurse Specialist Practice Act lapses if the certificate holder (a) does not have a current license to practice as a registered nurse or an advanced practice registered nurse or the authority to practice as a registered nurse in this state based on the Nurse Licensure Compact or has had either license or such authority to practice denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse or an advanced practice registered nurse but does not renew his or her clinical nurse specialist's certificate.

(2) When a certificate issued under the act lapses, the right of the person whose certificate has lapsed to represent himself or herself as a clinical nurse specialist and to practice the activities for which a certificate is required terminates. To restore the certificate to active status, the person shall meet the requirements for renewal which are in effect at the time that he or she wishes to restore the certificate and shall pay the renewal fee and the late fee established and collected as provided in section 71-162.

Source: Laws 2005, LB 256, §10. Operative date July 1, 2007.

**71-17,127. Practice without certificate; effect on other license.** Any person practicing as a clinical nurse specialist who is not certified as such by the department and who possesses a license to engage in any health profession for which a license is issued by the department may have such license denied, refused renewal, suspended, or revoked or have other disciplinary action taken against such license by the department pursuant to the provisions of the Nurse Practice Act or the Uniform Licensing Law relating to such profession, irrespective of any criminal proceedings for practicing without a certificate.

Source: Laws 2005, LB 256, §11. Operative date July 1, 2007.

**71-17,128. Exemptions from act.** The Clinical Nurse Specialist Practice Act does not prohibit the performance of the professional activities of a clinical nurse specialist by a person not holding a certificate issued under the act if performed:

(1) In an emergency situation;

(2) By a legally qualified person from another state employed by the United States and performing official duties in this state; or

(3) By a person enrolled in an approved clinical nurse specialist program for the education of clinical nurse specialists as part of that approved program.

Source: Laws 2005, LB 256, §12. Operative date July 1, 2007.

**71-17,129. Prohibited acts; penalty.** Any person committing any of the following acts is guilty of a Class IV felony:

(1) Practicing as a clinical nurse specialist without a certificate issued under the Clinical Nurse Specialist Practice Act except as provided in section 71-17,128;

(2) Knowingly employing or offering to employ any person as a clinical nurse specialist who does not hold a certificate issued under the act;

(3) Fraudulently seeking, obtaining, or furnishing a certificate as a clinical nurse specialist or aiding and abetting such actions; or

(4) Holding himself or herself out as a clinical nurse specialist or using the abbreviation CNS or any other designation tending to imply that he or she is a clinical nurse specialist holding a certificate issued under the act if he or she does not hold such a certificate.

Source: Laws 2005, LB 256, §13. Operative date July 1, 2007.

**71-17,130. Fees.** The department shall establish and collect fees for credentialing activities under the Clinical Nurse Specialist Practice Act as provided in section 71-162.

Source: Laws 2005, LB 256, §14. Operative date July 1, 2007.